

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN JENNERS,

Petitioner,

v.

Case Number 08-12682
Honorable Thomas L. Ludington

L.C. EICHENLAUB and
ATTORNEY GENERAL, *State of Oregon*,

Respondents.

OPINION AND ORDER DISMISSING PETITION
FOR A WRIT OF HABEAS CORPUS

Petitioner John Jenners, a federal prisoner who was confined at the Federal Correctional Institution in Milan, Michigan at the time he filed this action and who is currently confined at the Federal Correctional Institution in Waseca, Minnesota, challenges outstanding warrants from Washington County in Oregon. Petitioner requests a writ of habeas corpus pursuant to 28 U.S.C. § 224. Petitioner contends that those warrants are preventing him from being considered for an early release benefit upon completion of the Bureau of Prisons' residential drug treatment program and from being considered for placement in a halfway house. For the reasons stated, the Court dismisses the petition for a writ of habeas corpus.

I

Petitioner was convicted of conspiracy to commit bank fraud, counterfeiting, and aiding and abetting counterfeiting in the United States District Court for the District of South Dakota and was sentenced to 96 months imprisonment and five years of supervised release. He is currently scheduled for release on November 7, 2010. Petitioner filed the present petition on June 23, 2008

challenging outstanding Oregon warrants and listing the following claims as grounds for relief: (1) the existence of the warrants will cause him to forfeit twelve months early release earned from participating in RDAP; (2) the warrants will also render him ineligible for half-way house placement; (3) he is unable to discover the “secret indictment;” and (4) he is consequently unable to defend against the charges in the “secret indictment.”

Respondent L. C. Eichenlaub filed an answer to the petition asserting that it should be dismissed as moot because the petitioner is not subject to a detainer arising from the Washington County, Oregon warrants and his only outstanding detainer, based upon a warrant from Cass County in North Dakota, was removed on August 15, 2008. The respondent further states that the petitioner is eligible for early release upon successful completion of the residential drug treatment program and is eligible for halfway house placement.

II

Article III limits the federal courts to deciding “cases” and “controversies.” To ensure that any matter presented to a federal court meets that requirement, courts consider the doctrines of standing, ripeness, and mootness. To establish standing, “[a] plaintiff must allege personal injury fairly traceable to the defendant’s allegedly unlawful conduct and likely to be redressed by the requested relief.” *Allen v. Wright*, 468 U.S. 737, 751 (1984). The injury must be “an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (citations and quotation omitted).

In this case, the records submitted by Respondent demonstrate that the Bureau of Prisons has removed the only existing detainer from Petitioner’s records and has deemed him eligible for the

early release benefit and for halfway house placement. Consequently, the Court cannot grant Petitioner any further relief in this action. His petition has thus been rendered moot and must be dismissed.

III

For the reasons stated, the Court concludes that there is no longer any case or controversy for the Court to resolve in this matter. There is no additional relief that the Court may provide Petitioner under the circumstances of this case.

Accordingly, it is **ORDERED** that the petition for a writ of habeas corpus [Dkt. # 1] is **DISMISSED** as moot.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 24, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 24, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS